



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,377	07/18/2003	Thomas J. Jentsch	2815-0445PUS1	9926
2292 7590 03/25/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
HAMA, JOANNE				
ART UNIT		PAPER NUMBER		
1632				
NOTIFICATION DATE		DELIVERY MODE		
03/25/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Applicant filed a response to the Final Action of September 19, 2007 on February 19, 2007.

Amendments:

3a) Applicant has amended the claims such that the in vitro cells express a channel of interest and comprises a transgene construct that reduces the expression of other chloride channels. For example in claim 42, step a, the claims has been amended such that “and/or” is deleted and “and at least one of the following of b) and c)” is inserted. The claims are no longer readable only on in vitro cells that overexpress one chloride channel. As such, this would require a new search and consideration. Thus, the claims have not been entered and responses to Applicant's rebuttals will apply to the claims filed June 25, 2007.

Request for Reconsideration/Other:

*35 USC § 112, 2<sup>nd</sup> parag.*

Applicant's arguments filed February 19, 2008, page 9, have been fully considered but they are not persuasive. Applicant indicates that the claims have been amended to address the issue at hand regarding the 112, 2nd parag. rejection. In response, the claims have not been entered. As such, the rejection is maintained.

*35 USC § 103(a)*

Applicant's arguments filed February 19, 2008, pages 9-10, have been fully considered but they are not persuasive. Applicant indicates that the claims have been amended such that

Maher et al. is not obvious over the claimed invention. In response, the claims have not been entered. As such, the rejection is maintained.

No claims allowed. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Hama, Ph.D. whose telephone number is 571-272-2911. The examiner can normally be reached Monday through Thursday and alternate Fridays from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras, can be reached on 571-272-4517. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system

Art Unit: 1633

provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Joanne Hama  
Art Unit 1632

*/Anne Marie S. Wehbe/*  
Primary Examiner, A.U. 1633